APPENDIX

APPENDIX A

THE SUPREME COURT OF THE STATE OF ALASKA

File No. 1805

ALASKA HELICOPTERS, INC., *Petitioner,*

v.

LESTER M. ANDERSON, *Respondent.*

Order

It is ORDERED:

1. The Petition for Review is denied.

2. The superior court may consider this case further to determine whether, pursuant to Rule 95, Rules of Civil Procedure, costs and attorney's fees should be imposed upon the counsel who acted for respondent in the superior court.

3. The superior court may also consider whether the conduct of counsel for the respondent in the superior court was such as to warrant referral of the matter to the Alaska Bar Association for appropriate investigation and disciplinary action.

BY DIRECTION OF THE COURT.

DATED this 28th day of June, 1973.

/s/ JOSEPHINE M. MCPHETRES
Josephine M. McPhetres
Clerk

APPENDIX B

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

No. 70-2395

LESTER M. ANDERSON, *Plaintiff*,

vs.

ATLANTIC RICHFIELD COMPANY,
AND ALASKA HELICOPTERS, INC., *Defendants*.

Order Granting Reinstatement of Cause

The history of this case has been heard at previous hearings, but for the sake of brevity the matter here was dismissed on July 12, 1971.

On September 10, 1971, the plaintiff moved to reinstate, which the Court denied. A rehearing was moved and heard on October 15, 1971, at which time the Court advised the plaintiff reinstatement would not be considered unless certain answers to interrogatories were first filed. Some time in November, 1971, certain answers were filed, but no further action was noted until July 11, 1972 when plaintiff again moved for reinstatement, this time being represented by Floyd Smith.

A hearing was scheduled and heard on August 8, 1972. Mr. Curran, who had previously represented the plaintiff, advised he would be out of town that date and requested a continuance. Since the matter had been previously scheduled at least once, and continued, the Court denied the continuance, allowed argument, but gave Mr. Curran until August 11, 1972 at noon to file or submit anything he wished considered. Nothing was filed or submitted.

After a thorough review of the file, it appears that plaintiff may not have been advised of all that transpired in

the case, or counseled on all that was necessary. To deny his motion would be manifest injustice.

Defendant, however, is entitled to reasonable compensation for the delay caused by Mr. Curran is not conforming to orders issued by this Court. Accordingly, defendant's attorney is advised to set a hearing with reasonable notice to Mr. Curran so that the Court may determine how much of the amount posted in the form of a bond shall be awarded to defendant for costs and attorney's fees caused by the delay involved.

DATED at Anchorage, Alaska this 17th day of August, 1972.

/s/ C. J. OCCHIPINTI
C. J. Occhipinti
Superior Court Judge

APPENDIX C

United States Code

§ 1257. STATE COURTS; APPEAL; CERTIORARI

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States. June 25, 1948, c. 646, 62 Stat. 929.

APPENDIX D

Alaska Rules of Civil Procedure

RULE 60. RELIEF FROM JUDGMENT OR ORDER.

(b) Mistakes—Inadvertence—Excusable Neglect—Newly Discovered Evidence—Fraud—Etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise or excusable neglect;

(2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or

(6) any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time, and for reasons (1), (2) and (3) not more than one year after the judgment, order or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding, or to grant relief to a defendant not personally served, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis and audita querela are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.